

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	
PLAINTIFF,	:	
	:	CASE NO. C-1-02-367
V.	:	(consolidated with C-1-02-359,
	:	C-1-02-388, C-1-02-431, and
	:	C-1-02-474)
REAL PROPERTY KNOWN AND	:	
NUMBERED AS 2467 LEGENDS WAY,	:	SENIOR JUDGE SPIEGEL
CRESTVIEW HILLS, KENTON	:	
COUNTY, KENTUCKY , WITH ALL	:	
APPURTENANCES, IMPROVEMENTS,	:	
AND ATTACHMENTS THEREON, et al.,	:	
DEFENDANTS.	:	
	:	

**STIPULATION TO SUBSTITUTE CASH IN LIEU OF REAL PROPERTY KNOWN  
AND NUMBERED AS 11100 HARBOUR YACHT COURT 42-C, FORT MYERS,  
FLORIDA AND TO DISMISS REAL PROPERTY AS DEFENDANT**

The parties to this Stipulation agree as follows:

1. the United States has agreed to the sale of real property known and numbered as 11100 Harbour Yacht Court 42-C, Fort Myers, Florida ("the subject real property", see Attachment A for legal description) by John O. Finnan, Susan J. Finnan, Marc C. Menne, and Alice M. Menne to Smith Consultants, Inc. for the purchase price of \$190,000.00; and
2. the United States has agreed to release the Lis Pendens it filed in both United States District Court in the Southern District of Ohio and in Lee County, Florida; and
3. in return John O. Finnan, Susan J. Finnan, Marc C. Menne, and Alice M. Menne (collectively "the claimants") agree to turn over the net sale proceeds from the sale of the subject real property to the United States in the form a check made payable to the United States Marshals Service and agree to forward the check, within five days after closing on the subject real

property, to the United States Marshals Service, c/o Desra S. Fraser, 801 North Florida Avenue, 4<sup>th</sup> Floor, Tampa, Florida 33602-4519; and

4. the United States Marshals Service shall deposit the net sale proceeds for the subject real property into the Seized Asset Deposit Fund, and the net sales proceeds shall be maintained there until further order of the Court; and

5. once the net sale proceeds for the subject real property are deposited into the Seized Asset Deposit Fund, no interest will be attributed to the net sale proceeds; and

6. the United States Marshals Service, promptly upon deposit, shall report to the Court, in a document that shall be docketed in this case, the net sale proceeds amount that has been deposited by the United States Marshals Service into the Seized Asset Deposit Fund; and

7. upon the report to the Court by the United States Marshals Service of the net sale proceeds amount, that net sale proceeds amount shall be substituted as the defendant for the subject real property without further order of the Court; and

8. upon the report to the Court by the United States Marshals Service of the net sale proceeds amount, the United States shall file a written dismissal of the defendant real property from this action and proceed against the substitute proceeds as defendant; and

9. this Agreement does not constitute an admission by the parties regarding whether the subject real property is forfeitable or not forfeitable, and the parties reserve the right to litigate that issue; and

10. the claimants shall not make any claim or file any action against the United States or its agencies or any state or local agency involved, including any individual associated with those federal, state, or local agencies, arising from the sale of the subject real property, the

deposit of the net sale proceeds from the subject real property, or the substitution of the net sale proceeds amount as a defendant.

Respectfully submitted,

GREGORY G. LOCKHART  
United States Attorney

7/30/03  
Date

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KATHLEEN M. BRINKMAN (0016269)  
Assistant United States Attorney  
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Cincinnati, Ohio 45202  
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9-8-03  
Date

Marc C. Menne  
MARC C. MENNE

9-8-03  
Date

Alice M. Menne  
ALICE M. MENNE

8-26-03  
Date

H. P. Hellings, Jr.  
HARRY P. HELLINGS, JR. (0012506)  
214 East Fourth Street  
Covington, Kentucky 41011  
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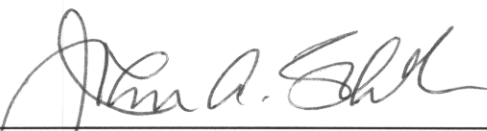
8-9-03  
Date

John O. Finn  
JOHN O. FINNAN

8-9-03  
Date

8-19-03  
Date

  
SUSAN J. FINNAN

  
JOHN A. SCHUH (0015292)  
Attorney for John O. Finnan  
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**ATTACHMENT A**

Real property known and numbered as 11100 Harbour Yacht Court 42-C, Fort Myers, Lee County, Florida, ("the subject real property"), which is further described as follows:

Situate, lying and being in the County of Lee, State of Florida to wit:

CONDOMINIUM PARCEL: UNIT 42-C, BUILDING 4, BELLAVISA AT GULF HARBOUR YACHT & COUNTRY CLUB CONDOMINIUM, according to the plat thereof recorded in Condominium Plat Book 26, pages 33 to 38 incl.; and being further described in that certain Declaration of Condominium recorded in Official Records Book 3053, page 2460, and Amendment thereto recorded in Official Records Book 03198, page 1720, and Condominium Plat Book 27, pages 32 to 35 incl.; and Amendment thereto recorded in Official Record Book 03207, page 0534 and Condominium Plat Book 27, pages 41-42, public records of Lee County, Florida.